

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARITA TALLEY,

Plaintiff,

Case Number: 2:22-11861

Honorable Nancy G. Edmunds

v.

HURON VALLEY CORRECTIONAL
FACILITY,

Defendant.

OPINION AND ORDER OF DISMISSAL WITHOUT PREJUDICE

Michigan state prisoner Marita Talley filed an untitled document in the United States District Court for the Central District of Illinois. The document was docketed as a civil rights complaint and transferred to this Court. For the reasons discussed below, the Court dismisses this case without prejudice.

Plaintiff has not filed an actual complaint. Instead, she has filed a document protesting the use of racial slurs and the absence of any consequence for doing so. (ECF No. 1, PageID.1.) She wants use of racial slurs to be punished and requests “that every state/nationwide abolish [racial slurs].” (*Id.* at 4.) “A civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. Prior to the filing of a complaint, “an action has not ‘commenced’ within the meaning of the Federal Rules” and the Court lacks subject matter jurisdiction to grant relief. *Lusick v. City of Philadelphia*, No. 12-cv-5150, 2013 WL 1187064, *2 (E.D. Pa. March 21, 2013); *see also Gibson v. Department of*

Corrections, No. 5:07-cv-255-RS-EMT, 2007 WL 3170688, *1 (N.D. Fla. Oct. 30, 2007) (a party “cannot commence a civil action by filing a motion”); *Luna v. Ford Motor Co.*, No. 3:06-0658, 2007 WL 837237 *2 (M.D. Tenn. March 14, 2007) (holding that, prior to the filing of a complaint a court lacks subject matter jurisdiction). Plaintiff’s filing is not a complaint and, therefore, is insufficient to commence a civil action in federal court.

The Court finds that the instant matter has not been properly commenced under Federal Rule of Civil Procedure 3. Accordingly, the case is DISMISSED WITHOUT PREJUDICE

SO ORDERED.

s/ Nancy G. Edmunds
NANCY G. EDMUNDS
UNITED STATES DISTRICT JUDGE

Dated: September 28, 2022